

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

IN RE:

JUAN JOSE GUERRERO SR
GRACIELA LUNA GUERRERO

Debtors.

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Case #: 09-52656-CAG
Chapter 13

Honorable Craig A. Gargotta

**TRUSTEE'S OBJECTION TO DEBTOR'S MOTION TO APPROVE SETTLEMENT
AGREEMENT, DISTRIBUTE REMAINING PROCEEDS AND SECOND REQUEST
FOR ADDITIONAL COMPENSATION**

NOW COMES, Mary K. Viegelahn, Chapter 13 Trustee ("Trustee") and for her Objection to Debtor's Motion to Approve Settlement Agreement, Distribute Remaining Proceeds and Second Request for Additional Compensation ("Motion") and says as follows:

- 1) The Petition for relief was filed on July 16, 2009. The Plan was confirmed on November 9, 2009. The Plan payment is \$1,120.00 monthly. The Plan is \$3,360 in plan payment arrears through May 2015, which is the balance to complete the plan as confirmed.
- 2) The aggregate amount of allowed general unsecured claim is \$53,122.69. The plan currently pays a dividend of 17.36% or \$9,223.69 to this class of creditors.
- 3) On April 29, 2015 the Debtors filed this Motion. The Motion proposes:
 - A. Requests Settlement of Mrs. Guerrero's mass-tort personal injury claim be allowed
 - B. Proposed Settlement Breakdown:
 - a. Special Counsel \$23,333.33
 - b. Administrative costs \$2,164.33
 - c. Payment to AMS and Rawling Group (lien holdback) \$17,500.00 and remaining net proceeds to Joint Debtor in the amount of \$27,002.34 to cover auto repairs in the amount of \$1216.97, AC and Heater expense \$6400.00 and dental work \$8660.00.
 - d. Remaining balance of \$10725.37 towards their Chapter 13 plan.
 - e. Additional \$500 attorney's fees

- 4) The Trustee requests a copy of the Settlement agreement. Additionally the Trustee request proof of the auto expense, AC and heater expense and dental work expenses.
- 5) The Trustee asserts that with the inclusion of \$10,725.37 the dividend will increase to 17% from 1% to allowed unsecured creditors. The Trustee requests language in the Order to Approve Settlement Agreement that funds received by the Trustee will be disbursed to the allowed, general unsecured creditors.

WHEREFORE, the Trustee respectfully prays:

- A. That this Court denies the Motion.
- B. That this Court grants such other relief as it finds just and equitable.

May 20, 2015

/s/
Jessica L. Hanzlik TSBN: 24055661
Staff Attorney for the Chapter 13 Trustee
jhanzlik@sach13.com
10500 Heritage Blvd, Ste. 201
San Antonio, TX 78216
Phone: (210) 824 -1460
Fax: (210) 824-1328

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the attached document was served on the parties listed below by U.S. Mail or served electronically through the Court's ECF System at the e-mail address registered with the Court on **May 20, 2015.**

Debtor(s):
JUAN JOSE GUERRERO, SR
GRACIELA LUNA GUERRERO
200 BLUEFIELD
PLEASANTON, TX 78064

UNITED STATES TRUSTEE
P O BOX 1539
SAN ANTONIO, TX. 78295-1539

UNITED STATES BANKRUPTCY COURT
615 E. HOUSTON RM 597
SAN ANTONIO, TX. 78205

AND TO THE CREDITORS AND PARTIES IN INTEREST LISTED BELOW:

Attorney For Debtor(s)
RICK FLUME
C/O FLUME & ASSOCIATES
900 NE LOOP 410 STE E105
SAN ANTONIO, TX 78209

/S/

JESSICA L. HANZLIK